

March 24, 1975

Some county attorneys had some problems with the bill with regards to the affidavits and so forth, that they were to be considering at the time of court hearings. What they have done is change the definition of traffic offense and a re-definition of jurisdiction of juveniles who allegedly commit a traffic offense. Some of the parts of it is the prosecutors decision to file an adult charge instead of a juvenile court petition. It explains the procedure in this as to how the adult . . . how the child is tole at the court hearing that they can follow . . . they can ask for another hearing in some other court other than an adult court. It sets that out in specific procedure. It's also where you probably got most of the questions last year on 620 on the affidavits the county attorney would have to file. It changes that now so that the county attorney may consider these things instead of having to file it. When he does come to the courts to defend his filing a juvenile action in an adult court then there is an affidavit filed with that action, or an affidavit telling the court why the county attorney or the prosecuting attorney attempted to have that set for an adult court, or juvenile court, depending on which one the child wants to go to. It's actually clearing up some of the problems that we had with LB 620 of last year. I move for the advancement of LB 288.

PRESIDENT: Senator Goodrich.

SENATOR GOODRICH: Question of Senator Barnett, if he would yield please.

SENATOR BARNETT: I'll try.

SENATOR GOODRICH: Senator Barnett, this committee amendment is printed so faintly that I can't even read it. I'm curious about one thing. On page 5 you say an offense other than a felony traffic offense or parking violation. What I'm concerned with is have you got any traffic cases going to juvenile court? If you can apply the amendment to the bill do we end up with any traffic offenses going to juvenile court?

SENATOR BARNETT: I'm sure you would. I think that what we . . . I think that you'd have to ask Senator Luedtke that technical thing, but I'm sure that you do have. Senator Luedtke could you help on the question of Senator Goodrich's. With that committee amendment I think the answer is yes, but then maybe. I don't understand his question.

SENATOR LUEDTKE: Well what was the question?

SENATOR GOODRICH: The question, Senator Luedtke, is if you apply the committee amendment to the bill, have we got any traffic offenses going to juvenile court?

SENATOR LUEDTKE: Well I'm not going to say never because some of the traffic offenses involved can get . . . but they will not involve the typical offense that was getting there now. I'm sure that one way or another you could get it there. I'm not going to tell you that you couldn't.